

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

LEE ALEXANDER BRESSLER,

Debtor.

Chapter 7

Case No. 18-13098 (MG)

**ORDER RE BRIEFING AND HEARING ON APPLICATION
PURSUANT TO RULE 2004 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Carbon Investment Partners, LLC and Carbon Master Fund, L.P. (collectively, “Carbon”) has filed an Application for an order pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (1) authorizing the examination of (i) Amy Bressler, (ii) Scott Bressler, (iii) McDermot Will & Emery, (iv) The Northern Trust Company and (v) the Debtor Related Trusts¹ (collectively, the “Examinees”); and (2) directing the Examinees to produce all relevant documents as set forth on Schedules 1-5 attached to the Application. (ECF Doc. # 195.)

Counsel for Amy L. Bressler, as Trustee of the 83 Spring Close Trust, in *Messer v. Bressler*, Adv. Proc. No. 19-01127 (MG), an adversary proceeding commenced by the Chapter 7 Trustee in connection with the above-referenced case, has filed a letter requesting time to file a formal objection to the Application for the issuance of the requested Rule 2004 order. (ECF Doc. # 196.)

¹ According to the Application, the names of the Trusts include the following: “(i) 83 Spring Close Trust; (ii) A.R. 1996 Trust; (iii) Bressler & C. MCCaffrey CoTrustee J. Bressler Mar. Trust, u/w/o M. Bressler; (iv) Bressler Family Trust, under will of M. Bressler, dated 09/08/2001 f/b/o Amy Bressler; (v) Bressler Family Trust under will of M. Bressler, dated 9/08/2001, f/b/o Lee Bressler; (vi) Bressler Family Trust under will of M. Bressler dated 9/8/2001 f/b/o Scott Bressler; (vii) The Brody H. Shuffler 2007 Trust; the Eden Joy Bressler 2011 Trust; (viii) Emilie Darmstadter Trust f/b/o Lee Bressler dated 9/19/1995; (ix) Emile Darmstadter Trust f/b/o Scott Bressler dated 2/19/1995; (x) Emilie Darmstadter Trust f/b/o Lee Bressler under agreement dated 1/4/1985; (xi) Hannah Blechner Trust f/b/o Scott Bressler under agreement dated 1/4/1985; (xii) The Hannah Blechner 1990 Trust; (xiii) Jane C. Bressler 2014 Revocable Trust dated 12/19/2014; (xiv) Jane C. Bressler GST Share under will of Hannah Blechner; (xv) The Jane C. Bressler 2010-A Family Trust; (xvi) the Jane C. Bressler 2010-B Family Trust; (xvii) The Jane C. Bressler Residence Trust; (xviii) Non-GST Exempt Trust f/b/o Lee Alexander Bressler Under Art. IV JCB 2010 Family Trust (collectively, the ‘Debtor Related Trusts’).”

While this Court ordinarily issues *ex parte* orders for Rule 2004 examination, I will in this instance permit counsel for Amy Bressler to file an Objection to the Application (not to exceed 15 pages, double-spaced) on or before 5:00 p.m., May 18, 2020. Carbon's counsel may file a Reply (not to exceed 10 pages, double-spaced) on or before 5:00 p.m., May 21, 2020. But, to be clear, in permitting the filing of this Objection, the Court will not consider any further objections on behalf of Amy Bressler to the subpoena or its contents if one is issued following the hearing.

The Court will hold a telephone hearing on the Application and Objection using CourtSolutions at 2:00 p.m., May 27, 2020.

IT IS SO ORDERED.

Dated: May 13, 2020
New York, New York

Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge